

REMARKS

The present application contains claims 1-12. Claims 1-10 are amended. Applicant hereby requests further examination and reconsideration of the application in view of the foregoing amendments and discussion below.

The claims have been amended in general to highlight the present invention's ability to exchange control signals and content data such as audio (voice) and video (still or moving images with audio) between a mobile phone and one or more peripheral devices. Thus the RCD of the present invention can receive control signals and content data from a mobile phone unlike that of the Holmes reference and provide control signals and content data to peripheral devices unlike that of the White reference.

The present invention generally teaches an RCD that can receive control signals and content data from a mobile phone and either output the received data if the RCD is equipped with a display and speaker, or redirect the received content to one or more peripheral devices such as a television or stereo system to be output. Thus, the RCD of the present invention can receive control signals and content data from a mobile phone and can transmit control signals and content data to one or more peripheral devices.

The Holmes reference, U.S. Patent Application Publication No.2005/0009567, teaches a remote control device (RCD) to be used within an automotive cabin that is designed to facilitate making a connection to a network based communication system via a mobile phone. The Holmes RCD accepts tactile or even voice input for purposes of 'dialing' out and establishing a connection with the network based communication system. Holmes is ill-equipped to handle content data beyond voice as its primary function is to provide 'one touch' access to the network based communication system from within a vehicle cabin. This is likely geared toward safety issues of using a mobile device while driving.

The White reference, U.S. Patent No. 6,353, 413 to White et al., teaches a typical 'universal' type remote control device (RCD). The White RCD is designed to control one or more peripheral devices such as a TV, Stereo, DVD player, CD player, etc. The key distinction between the White RCD and the RCD of the present invention is that White can only send control signals to the peripheral devices. The control signals cause the peripheral de-

vices to manipulate content data already available to or loaded on the peripheral devices. For instance, the White RCD can change channels on a television, play a CD loaded into a CD player, re-tune a stereo receiver to a different frequency, etc. What the White RCD cannot do that the present invention can do is provide content to the peripheral devices it can control. For instance, the mobile phone can receive a multi-media message (MMS) that is relayed to the RCD. The RCD of the present invention can play the MMS itself (if equipped) or the user can opt to send the received MMS to a television so that it can be heard and seen and manipulated by the user without having to go to the mobile phone itself. Or, a picture caller ID signal, received by mobile phone from the network can be automatically forwarded by either the mobile phone or base unit to the present invention RCD and then on to a television for display.

The Examiner has rejected claims 1-12 under 35 U.S.C. §103(a) as being unpatentable over Holmes in view of White.

Regarding claim 1 the Examiner states that Holmes teaches a remote control device (RCD) (figs. 1-2, element 14') comprising:

a second wireless interface for communicating with a mobile phone (fig. 2, paragraph 0022), the remote communication module 30 transmits a dialing signal towards the mobile communication device 16' based on a dialing request from the user interface 28',

a speaker for outputting audio signals received from the mobile phone (fig. 2, paragraph 0024-0025);

a microphone for receiving audio signals to be transmitted to the mobile phone (fig. 2, paragraph 0024-0025); and

a processor for processing wireless signals communicated between the RCD and the mobile phone (figs. 2-3, paragraph 0028-0030), wherein the RCD:

receives a signal from the mobile phone in response to the mobile phone receiving a wireless signal from a digital cellular network (DCN) (fig. 1-2, abstract, paragraph 017, 0021); and

processes the received signal from the mobile phone (fig. 2, paragraph 0018-0019).

The Examiner further adds that Holmes, however, fails to specifically disclose a first wireless interface for controlling one or more peripheral devices. The Examiner then states that White teaches *a first wireless interface for controlling one or more peripheral devices (col. 1, lines 26-39)*. Therefore, the Examiner contends, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use a first wireless interface for controlling one or more peripheral devices as taught by White with Holmes' teaching in order to provide a universal remote control unit adapted to control virtually all household appliances.

Applicant respectfully submits that the cited references do not suggest the presently claimed invention, either singly or taken in any reasonable combination. The Examiner has mischaracterized the teachings of Holmes as applied to the present invention.

The RCD in Holmes can exchange only voice content and signaling with a mobile phone. Holmes is not equipped to handle other forms of data such as text or video. Thus, Holmes' RCD cannot receive nor process certain content data from the mobile phone as taught and claimed by the present invention. Thus, not all of the elements and/or steps of the present invention that the Examiner has applied the Holmes reference to are actually taught by the Holmes reference. Specifically, Holmes does not teach an RCD that *receives control signals and data from the mobile phone in response to the mobile phone receiving wireless control signals and data from a digital cellular network (DCN); and processes the received control signals and data from the mobile phone*.

The Examiner concedes that Holmes fails to specifically disclose a first wireless interface for controlling one or more peripheral devices. The White reference is used by the Examiner in combination with Holmes to read on the elements and/or steps of the present invention that Holmes admittedly does not.

The RCD of White is primarily designed as a universal remote control. The RCD of White only provides signaling output to peripheral devices, unlike the present invention that allows for signaling output and audio, video, or text output to peripheral devices. The RCD in White does not teach or contemplate transmitting content data received from a mobile phone to other peripheral devices. Thus, not all of the elements and/or steps of the present invention that the Examiner has applied the White reference to are actually taught by the White refer-

ence. Specifically, White does not teach an RCD that includes *a first wireless interface for controlling and passing content data to one or more peripheral devices*.

The combination of Holmes and White does not teach or suggest the presently claimed invention. Such a combination, even if taken according to the Examiner's purported teachings of the individual references, would not yield a RCD that can receive audio, video, and/or text data from a mobile phone and output same to other peripheral devices as claimed in the present invention.

Applicant further submits that there is no motivation to combine Holmes with White. A Holmes and White combination would require incorporating a universal RCD such as White with a RCD used within the cabin of a vehicle to access a network based communications system. Holmes and White are neither related in purpose nor are they in similar fields of use as evidenced by their disparate classifications in the US Patent & Trademark Office. Such a combination does not yield any additional benefit or functionality to the Holmes RCD since the Holmes RCD is used primarily as a means to initiate communications to a dedicated network based service within the cabin of a vehicle. There are no 'peripheral devices for Holmes to control should the functionality of White be integrated into Holmes. One of ordinary skill in the art would see no reason to provide a universal remote controller of peripheral devices such as a television to an automobile based RCD that's primary purpose is to establish a link with a network based communication service.

The applicant respectfully submits that a combination of Holmes and White does not teach or suggest the claims of the present invention and is believed to be so different as to be unobvious without undue experimentation on the part of one of ordinary skill in the art. Applicant, therefore, respectfully requests reconsideration and withdrawal of the 35 U.S.C. 103(a) rejection of independent claim 1 and its dependent claims as well as independent claim 9 and its dependent claims.

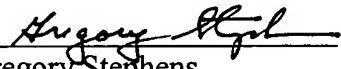
For the foregoing reasons, the Applicant respectfully submits that all of the claims in the present application are in condition for allowance. Reconsideration and withdrawal of the rejections and allowance of the claims at the earliest possible date are respectfully requested.

The Examiner is authorized to charge any fees required and not paid herein, or credit any overpayment to Deposit Account 13-4365.

Respectfully submitted,

Date: 6 SEP 2005

Telephone: (919) 286-8000
Facsimile: (919) 286-8199


Gregory Stephens
Attorney for Applicant
Registration No. 41,329
Moore & Van Allen PLLC
430 Davis Drive
Suite 500
Morrisville, NC 27560-6832